

Message Text

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PAGE 01 GENEVA 04398 031812Z
ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-10 EA-09 EUR-12
NEA-10 DHA-02 OIC-02 ACDA-10 DPW-01 CIAE-00 PM-04
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TO SECSTATE WASHDC IMMEDIATE 7919
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UNCLAS GENEVA 4398

DOD ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

E.O. 11652: N/A
TAGS: ICRC, PARM, PFOR
SUBJECT: CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW -
PROPOSED RESOLUTION REGARDING FUTURE WORK ON CONVENTIONAL
WEAPONS

1. INFORMAL GROUP CONSISTING OF REPRESENTATIVES FROM
US, FRANCE, FRG, UK, GDR, USSR, YUGOSLAVIA, SWEDEN AND
MEXICO HAVE REACHED GENERAL AGREEMENT ON A DRAFT PROPOSED
CONFERENCE RESOLUTION REGARDING FUTURE WORK ON CONVENTIONAL
WEAPONS. TEXT IS AS FOLLOWS

BEGIN TEXT

THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOP-
MENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED
CONFLICTS.

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PAGE 02 GENEVA 04398 031812Z

HAVING MET AT GENEVA FOR FOUR SESSIONS, IN 1974, 1975, 1976
AND 1977, AND HAVING ADOPTED NEW HUMANITARIAN RULES RELATING
TO ARMED CONFLICTS AND METHODS AND MEANS OF WARFARE,
CONVINCED THAT THE SUFFERING OF THE CIVILIAN POPULATION AND
CONBATANTS COULD BE SIGNIFICANTLY REDUCED IF AGREEMENTS CAN
BE ATTAINED ON THE PROHIBITION OR RESTRICTION FOR HUMANI-
TARIAN REASONS OF THE USE OF SPECIFIC CONVENTIONAL WEAPONS,

INCLUDING ANY WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS,

RECALLING THAT THE ISSUE OF PROHIBITIONS OR RESTRICTIONS FOR
HUMANITARIAN REASONS OF THE USE OF SPECIFIC CONVENTIONAL
WEAPONS HAS BEEN THE SUBJECT OF SUBSTANTIVE
DISCUSSION IN THE AD HOC COMMITTEE OF THE CONFERENCE AT ALL
ITS FOUR SESSIONS, AND AT THE CONFERENCES OF GOVERNMENT
EXPERTS HELD UNDER THE AUSPICES OF THE ICRC IN 1974 IN
LUCERNE AND IN 1976 AT LUGANO, AND HAS ALSO BEEN CONSIDERED
BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS,

HAVING CONCLUDED, FROM THESE DISCUSSIONS, THAT AGREEMENT
EXISTS ON THE DESIRABILITY OF PROHIBITING THE USE OF CON-
VENTIONAL WEAPONS, THE PRIMARY EFFECT OF WHICH IS TO INJURE
BY FRAGMENTS NOT DETECTABLE BY X-RAY, AND THAT THERE IS A
WIDE AREA OF AGREEMENT WITH REGARD TO LAND-MINES AND BOOBY-
TRAPS,

HAVING ALSO DEVOTED EFFORTS TO THE FURTHER NARROWING DOWN
OF DIVERGENT VIEWS ON THE DESIRABILITY OF PROHIBITING OR

RESTRICTING THE USE OF INCENDIARY WEAPONS, INCLUDING NAPALM,

HAVING ALSO CONSIDERED THE (EFFECTS OF) (POSSIBILITIES
OF RESTRICTING) THE USE OF OTHER CONVENTIONAL WEAPONS, SUCH
AS SMALL CALIBRE PROJECTILES AND CERTAIN BLAST AND
FRAGMENTATION WEAPONS,

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PAGE 03 GENEVA 04398 031812Z

RECOGNIZING THAT IT IS IMPORTANT THAT THIS WORK CONTINUE
AND BE PURSUED WITH THE URGENCY REQUIRED BY EVIDENT
HUMANITARIAN CONSIDERATIONS,

BELIEVING THAT FURTHER WORK SHOULD BOTH BUILD UPON THE AREAS
OF AGREEMENT THUS FAR IDENTIFIED AND INCLUDE THE SEARCH
FOR FURTHER AREAS OF AGREEMENT AND SHOULD, IN EACH CASE,
SEEK THE BROADEST POSSIBLE AGREEMENT,

1. RESOLVES TO SEND THE REPORT OF THE AD HOC COMMITTEE AND
THE PROPOSALS PRESENTED IN THAT COMMITTEE TO THE GOVERN-
MENTS OF STATES REPRESENTED AT THE CONFERENCE AND TO THE
SECRETARY GENERAL OF THE UNITED NATIONS;

2. REQUESTS THAT SERIOUS AND EARLY CONSIDERATION BE GIVEN
TO THESE DOCUMENTS AND TO THE REPORTS OF THE CONFERENCES
OF GOVERNMENT EXPERTS OF LUCERNE AND LUGANO;

3. RECOMMENDS THAT A CONFERENCE OF GOVERNMENTS SHOULD BE

CONVENED NOT LATER THAN 1979 WITH A VIEW TO REACHING:

(A) AGREEMENTS ON PROHIBITIONS OR RESTRICTIONS ON THE
USE OF SPECIFIC CONVENTIONAL WEAPONS INCLUDING
THOSE WHICH MAY BE DEEMED TO BE EXCESSIVELY
INJURIOUS OR HAVE INDISCRIMINATE EFFECTS, TAKING
INTO ACCOUNT HUMANITARIAN AND MILITARY CONSIDERATIONS;
AND

(B) AGREEMENT ON A MECHANISM FOR THE REVIEW OF ANY
SUCH AGREEMENTS AND FOR THE CONSIDERATION OF
PROPOSALS FOR FURTHER SUCH AGREEMENTS;

4. URGES THAT CONSULTATIONS BE UNDERTAKEN PRIOR TO THE
CONSIDERATION OF THIS QUESTION AT THE 32ND SESSION OF
THE UNGA FOR THE PURPOSE OF REACHING AGREEMENT ON THE
STEPS TO BE TAKEN IN PREPARATION FOR THE CONFERENCE,
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PAGE 04 GENEVA 04398 031812Z

5. RECOMMENDS THAT A CONSULTATIVE MEETING OF ALL
INTERESTED GOVERNMENTS BE CONVENED DURING SEPTEMBER-
OCTOBER 1977 FOR THIS PURPOSE.

6. RECOMMENDS THAT THE STATES PARTICIPATING IN THESE
CONSULTATIONS SHOULD CONSIDER INER ALIA THE ESTABLISH-
MENT OF A PREPARATORY COMMITTEE WHICH WOULD SEEK TO
ESTABLISH THE BEST POSSIBLE BASIS FOR THE ACHIEVEMENT AT
THE CONFERENCE OF AGREEMENTS AS ENVISAGED IN THIS
RESOLUTION;

7. INVITES THE GENERAL ASSEMBLY OF THE UNITED NATIONS AT
ITS THIRTY-SECOND SESSION, IN THE LIGHT OF THE RESULTS
OF THE CONSULTATIONS UNDERTAKEN PURSUANT TO PARAGRAPH 4
OF THIS RESOLUTION, TO TAKE ANY FURTHER ACTION THAT MAY BE
NECESSARY FOR THE HOLDING OF THE CONFERENCE IN 1979.
END TEXT

2. PROPOSAL APPEARS TO MEET US POSITION. IN VIEW OF
CONFERENCE PLENARY SCHEDULE TO ADDRESS RESOLUTIONS ON
TUESDAY, JUNE 7, IT IS REQUESTED THAT COMMENTS AND/OR
CONCURRENCE BE PROVIDED TO ARRIVE NOT LATER THAN
0800 HOURS GENEVA TIME ON JUNE 7. SORENSON

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Message Attributes

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